

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE, 1998

BEFORE

THE HON'BLE MR. JUSTICE H.L.DATTU

WRIT PETITION 16385/1998

BETWEEN :

H.V. Chandrakumar
s/o. H.G. Vishwanath,
aged about 33 years,
r/o. 2578,
Taluk Office Road,
Doddaballapur,
Bangalore Rural dist.

... PETITIONER

(By Sri R. Gururajan, Adv.)

AND;

1. Karnataka Electricity
Board, A statutory
Board, having its
registered office at
Cauvery Bhawan,
Bangalore - 9,
rep. by its
Secretary.

2. Assistant Executive
Engineer-Electricals,
Doddaballapur O & M
Sub-Division,
Karnataka Electricity
Board, Doddaballapur,
Bangalore Rural dist.

... RESPONDENTS

(By Sri N.K. Gupta, Adv.)

This writ petition is filed under Article 226 of the Constitution of India with a prayer to quash annexure B dated 05.02.1998 and etc.

This writ petition coming on for orders this day, the Court made the following;

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ORDER

The matter is listed in the orders list. By consent of learned counsel for the parties to the lis, it is taken up for final hearing.

2. Petitioner is a consumer of electrical energy supplied by the respondent Board. He has two power connections in his premises bearing RR No.2397.

3. Respondent Board had issued a back billing demand inter alia claiming a sum of Rs.15,652/- payable by the petitioner. Aggrieved by that demand, petitioner had ^{filed} an appeal and also the second appeal before the authorities as provided under the ^{Board's} ~~service~~ regulations. Thereafter the Board had issued a revised back billing demand by its notice dated 20.05.1994 inter alia claiming an amount of Rs.12,374.15/-. Aggrieved by the same petitioner had approached this Court on an earlier occasion. This Court by its order dated 04.11.1997 was pleased to allow the petition and was further pleased to make the following observations:

"5. In view of the above, this petition is allowed and Annexure-'C' is quashed and the Second Respondent is directed to comply with the order of the First Appellate Authority and the order of this Court in W.P. No. 16549/94, by presenting the revised back-billing claim,

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giving particulars of the backbilling charges, so that petitioner can either point out mistakes, if any, in calculations or pay the amount as demanded."

4. The Local Officer after considering the orders made by the Appellate Authority and the directions issued by this Court in W.P. 16549/1994 and also taking note of the objections filed by the petitioner dated 3.10.1997 has once again recalculated the back billing demand payable by the petitioner by his order dated 5.2.1998. Aggrieved by this order, petitioner is before this court.

5. Sri Gururajan, learned counsel appearing for the petitioner vehemently contends before this court that the Local Officer while calculating the back billing charges has not taken into consideration the lengthy objections filed by the petitioner. Therefore, submits that the impugned demand raised by the Local Officer is wholly incorrect and invalid.

6. Sri N.K. Gupta, learned counsel appearing for the Board sought to justify the impugned demand.

7. After disposal of the appeal preferred by the petitioner and after disposal of the writ

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petitions filed by the petitioner before this court, it was expected of the Local Officer to recalculate the back billing charges payable by the petitioner taking into consideration the decision made by the Appellate Authority and also the objections so filed by the petitioner. A perusal of the impugned order made by the respondents authorities does not indicate that the Local Officer has taken into consideration any one of the objections filed by the petitioner. In my view, it was expected of the Local Officer to have considered the objections filed by the petitioner and thereafter, should have recalculated the back billing charges payable by the petitioner. Since the same has not been done by the Local Officer, the impugned order made by him requires to be set aside by this court.

8. Accordingly, petition is allowed. Rule made absolute. The impugned order dated 5.2.1998 issued by the Local Officer is quashed. The matter is remitted back to the Local Officer for fresh disposal in accordance with law and pass fresh orders after considering the objections filed by the petitioner dated 3.10.1997.

9. Petitioner also assert in the petition that the respondent Board, after passing the impugned order dated 5.2.1998 have disconnected the

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power supply to the installation of the petitioner. If that is so, in the interest of both the parties, a direction requires to be issued to them to reconnect the electrical energy to the petitioner's installation subject to petitioner depositing a sum of Rs.15,000/- within two weeks from today. If such deposit is made by the petitioner within two weeks, the Local Officer would not only reconnect the electrical energy to the petitioner's installation but also consider the objections filed by the petitioner and pass appropriate orders as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this court's order.

10. With these observations, writ petition is disposed off. Ordered accordingly.

CSG



Sd/-
JUDGE